



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
ACTING COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
MARCH 9, 2005**

**Rolando Torres, Jr., Acting Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Judith Carroll
New Jersey Veterans Memorial Home Paramus
Department of Military and Veterans Affairs
Removal

In the Matter of William Humphrey
County of Cumberland
Board of Chosen Freeholders
Resignation not in good standing

In the Matter of John Lucas
County of Morris
Department of Long Term Care Services
Suspension

In the Matter of Terry Lucas
Newark Housing Authority
Suspension

In the Matter of Thomas Pavlik
Township of Brick
Department of Public Works
Removal

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE
ABOVE CASES – SETTLEMENT**

ACTION:

A2 JAMES BENANTI

James Benanti, Police Officer, Township of North Brunswick, Department of Public Safety, ten-day suspension on charges of violation of department rules and regulations regarding standard of conduct and use of force.

Recommendation of the Administrative Law Judge – Reverse the ten-day suspension.

ACTION:

A-3 JACQUELINE MCLEAN

Jacqueline McLean, School Aide, Jersey City School District, removal effective October 30, 2003, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-4 KENNETH E. PARKS

Kenneth E. Parks, Program Assistant Administrative Services, Richard Stockton College of New Jersey, removal effective April 1, 2003, on charges of incompetence, inefficiency, and failure to perform duties, insubordination, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-5 JAMES K. PIGOTT – SETTLEMENT

James Pigott, Deputy Police Chief, Borough of Keansburg, Police Department, removal effective March 21, 2002 and removal effective March 24, 2002 on charges of misconduct, interference with lawful authority of Police Director, insubordination, conduct unbecoming a public employee, neglect of duty, discrimination and other sufficient cause. Submitted for the Board's review and approval is a settlement agreement between the parties entered into after the rendering of an initial decision.

Recommendation of the Administrative Law Judge – Modify the removal to a 30-day suspension.

ACTION:

A-6 JOSEPH A. AUER – SETTLEMENT

Joseph A. Auer, Police Inspector, Borough of Keansburg, Police Department, two removals effective April 18, 2002 on charges of misconduct, incompetency, inefficiency, failure to perform duties, conduct unbecoming a public employee, interference with lawful authority of Police Director, insubordination, neglect of duty and obstructing administration of law and other government function. Submitted for the Board's review and approval is a settlement agreement between the parties entered into after the rendering of an initial decision.

Recommendation of the Administrative Law Judge – Reverse one removal and render the other moot.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 JEFFREY KRAKOWSKI

Jeffrey Krakowski, represented by Ciro A. Spina, III, Esq., appeals his rejection as a County Correction Officer candidate by the County of Bergen and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 DOROTHY CONATY

Dorothy Conaty, a Network Administrator 2 with the Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-3 LISA HONRATH

Lisa Honrath, a Data Processing Programmer 2 with the Department of Human Services, appeals the denial of sick leave (SLI) benefits.

ACTION:

B-4 GWENDOLYN D. JONES

Gwendolyn D. Jones, a Judiciary Clerk 4 with the Judiciary, Vicinage 12, Union County, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-5 MICHAEL MARELLA

Michael Marella, a former Painter with Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 SOPHIA JUDSON

Sophia Judson appeals the determination of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Police Officer (S9999D), City of Irvington, on the basis that she provided false statements of material fact on her application.

ACTION:

B-7 FADY MADANI

Fady Madani appeals the determination of the Division of Human Resource Information Services (HRIS) which sustained the removal of his name from the County Correction Officer (S9999D), Passaic County Sheriff's Office eligible list on the basis of an unsatisfactory background report.

ACTION:

B-8 RISIKAT O. MARTINS

Risikat O. Martins appeals the decision of Human Resource Information Services which upheld the removal of her name from the Field Representative, Senior Citizens Program (C0467E), County of Middlesex, eligible list due to her failure to appear at an interview.

ACTION:

B-9 EDWARD POLLOCK

Edward Pollock appeals the decision of Human Resource Information Services which upheld the bypass of his name for appointment on the Police Sergeant (PM2547C), Atlantic City, eligible list.

ACTION:

B-10 EMILIA VAZQUEZ

Emilia Vazquez appeals the decision of Human Resource Information Services, which upheld the removal of her name from the County Correction Officer (S9999D), Mercer County, eligible list, on the basis of an unsatisfactory criminal record.

ACTION:

B-11 BOILER OPERATOR (M9625B), JERSEY CITY SCHOOL DISTRICT

The appointing authority's failure to dispose of the certification for Boiler Operator (M9625B), while provisionals are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-12 BUILDING MAINTENANCE WORKER/SECURITY GUARD (M6244E), CITY OF EAST ORANGE WATER DEPARTMENT

The appointing authority's failure to dispose of the certification for Building Maintenance Worker/Security Guard (M6244E), while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-13 ELECTRICIAN, ELECTRIC UTILITY (M6527E), BOROUGH OF SEASIDE HEIGHTS

The appointing authority's failure to properly dispose of the certification for Electrician, Electric Utility while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-14 SECURITY GUARD (C0145E), ESSEX COUNTY SHERIFF'S OFFICE

The appointing authority's failure to properly dispose of the certification for Security Guard while four provisional appointees are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-15 SANDRA ALEXANDER

Sandra Alexander, a Senior Unemployment Clerk with the Department of Labor and Workforce Development, requests a hearing regarding her release at the end of her working test period from the title of Claims Examiner Unemployment/Disability Insurance and her return to her permanent title.

ACTION:

B-16 ROCCO NOVELLINO

Rocco Novellino requests that he be assigned a retroactive appointment date for record purposes.

ACTION:

B-17 ALEXIS ORTIZ

Alexis Ortiz, a Police Officer with the City of Passaic, represented by Anthony J. Iacullo, Esq., petitions the Merit System Board for interim relief of his immediate suspension, effective January 21, 2005.

ACTION:

B-18 ANDREW GROSS

The Department of Corrections petitions the Merit System Board for reconsideration of the final administrative decision, rendered on April 7, 2004, in which the Board granted, in part, Andrew Gross' request for sick leave injury (SLI) benefits.

ACTION:

B-19 NEIL FAGAN

The appeal of Neil Fagan, a Computer Service Technician with the Jersey City School District, of his release at the end of the working test period effective July 21, 2003, was before Administrative Law Judge Maria Mancini La Fiandra (ALJ), who rendered her initial decision on January 14, 2005, dismissing the appeal. At its meeting on February 23, 2005, the Merit System Board ordered that this matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION:

B-20 ERIC WOODS

The appeal of Eric Woods, a Police Officer with the Township of Willingboro, concerning his removal effective July 11, 2003, on charges was heard by Administrative Law Judge Anthony T. Bruno (ALJ), who rendered his initial decision on January 12, 2005. At its meeting on February 23, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to dismiss the charges. Rather, the Board remanded the matter to the ALJ for an initial decision on the merits of the disciplinary charges. The proposed decision is now submitted for the Board's review.

ACTION:

B-21 ROSE MARIE D'ARCANGELO

Rose Marie D'Arcangelo appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the management Assistant (PC1331E), Atlantic County promotional examination.

ACTION:

B-22 MARGARET ELLIOTT

Margaret Elliott appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Quality Assurance Specialist, Health Services (PC0054F), Monmouth County.

ACTION:

B-23 MARGARET GARDINER

Margaret Gardiner appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the Supervisor of Data Entry Machine Operations (PC1256E), Union County promotional examination.

ACTION:

B-24 EDWARD M. HARRISON

Edward M. Harrison appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Public Information Officer (M0657F), City of Trenton.

ACTION:

B-25 JEANETTE M. INCORVAIA

Jeanette M. Incorvaia appeals the determination of the Division of Selection Services which found that she was below the experience requirement for the promotional examination for Computer Operator 3 (PS0790N), Department of Labor.

ACTION:

B-26 JOSEPH LENAHA

Joseph Lenahan appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Supervising Planner, Emergency Management (S3026F), Statewide.

ACTION:

B-27 TRICIA LEONARDI

Tricia Leonardi appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 3 (PS1875K), Division of Developmental Disabilities.

ACTION:

B-28 WILLIAM MCDUGALL

William McDougall appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Supervising Planner, Emergency Management (S3026F), Statewide.

ACTION:

B-29 RICK PAGNANI

Rick Pagnani appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Storekeeper 2 (S0321F), State of New Jersey

B-30 RICK PAGNANI

Rick Pagnani appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Assistant Housekeeping Supervisor 2 (S0324F), State of New Jersey.

ACTION:

B-31 RACHELLE PERPIGNAN

Rachelle Perpignan appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Behavior Modification Program Technician (S0278F), Statewide.

ACTION:

B-32 JULIA REARDON, ET AL.

Julia Reardon, Rosemarie Sharp and Venus White appeal the determinations of the Division of Selection Services which found that they did not meet the education and experience requirements for the promotional examination for Field Service Supervisor 2, Medical Assistance and Health Services (PS1630K), Division of Medical Assistance and Health Services.

ACTION:

B-33 ROBYN E. RICH

Robyn E. Rich appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Classification Officer 3 (PS1285I), Mountainview Correctional Institution.

ACTION:

B-34 STEVEN SCATTAGLIA

Steven Scattaglia appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the examination for Coordinator of Inspections, Long Term Care Facilities (PS1262H), Department of Health and Senior Services.

ACTION:

B-35 ALYSSA P. WALTERS

Alyssa P. Walters appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Senior Payroll Clerk (PS2700K), Department of Human Services.

ACTION:

B-36 OLGA YERO

Olga Yero appeals the determination of the Division of Selection Services which found that she was ineligible for the promotional examination for Secretarial Assistant 2 (Non-Stenographic) (PS9994J), Kean University because she did not have permanent status in a title to which the examination was open.

ACTION:

B-37 JUDE DELANE

Jude DeLane appeals his score on the examination for Deputy Fire Chief (PM3627E), Hillside Township.

ACTION:

B-38 DAVID FEITELSON

David Feitelson appeals the determination of the Division of Selection Services denying his request for a make-up examination for the open competitive examination for Supervisor of Accounts (S80001E).

ACTION:

B-39 JOHN HOGAN

John Hogan, represented by Joseph A. Carmen, Esq., requests that his seniority score for the promotional examination for Correction Sergeant (PM5613I), Department of Corrections, be adjusted.

ACTION:

B-40 CRAIG MATTHEWS JR.

Craig Matthews Jr., represented by David Fox, Esq., appeals the administration of the open competitive examination for Fire Fighter (M9999E).

ACTION:

B-41 ANAND PATEL

Anand Patel appeals the decision of the Division of Selection Services that he was not qualified for a position in the Department of the Treasury's Professional Trainee Program on the basis that he did not possess a Bachelor's degree.

ACTION:

B-42 SUPPLEMENT 1 OF THE SALARY REGULATIONS FOR FISCAL YEAR 2005

Submitted for the Board's review is Supplement 1 of the Salary Regulations for Fiscal Year 2005. Attachment A of the Salary Regulations for Fiscal Year 2005 have been updated to reflect the recently negotiated salary increases for certain Employee Relations Groups.

ACTION:

B-43 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of February 23, 2005 are submitted for adoption.

ACTION:

B-44 JANICE CLOYD

The appeal of Janice Cloyd a Human Services Technician with Trenton Psychiatric Hospital, Department of Human Services, of her removal, effective January 8, 2002, on charges, was before Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on January 3, 2005. At its meeting on February 23, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the appellant's removal to a 120-day suspension. Rather, the Board modified the removal to a five-month suspension and ordered that the appellant undergo appropriate training. The proposed decision is now submitted for the Board's review.

ACTION: